

COMMONWEALTH OF PENNSYLVANIA
Legislative Journal

MONDAY, JUNE 10, 2002

SESSION OF 2002 186TH OF THE GENERAL ASSEMBLY

No. 40

SENATE

MONDAY, June 10, 2002

The Senate met at 1 p.m., Eastern Daylight Saving Time.

The PRESIDING OFFICER (Senator Mary Jo White) in the Chair.

PRAYER

The Chaplain, Reverend GLENN D. MILLER, of Trinity Lutheran Church, Reading, offered the following prayer:

Let us pray.

Lord God of the nations, we come to You in prayer this day seeking Your will and Your blessing on this body and the work before it. We come with gratitude for the many gifts You have given to our Commonwealth and to those who govern it, gifts of wisdom, integrity, compassion, and dedication.

We come also knowing that we face great challenges in our land and that our people face great needs. Bring to those in positions of authority and responsibility the talents and gifts necessary to their tasks. Give to the Members of this body renewed understanding of Your will for human society and renewed commitment and ability to carry out that will. Let justice flow down like streams of living water, that the people of Pennsylvania might be refreshed and renewed.

Finally, O Lord, bless each Member of this body here gathered and their families. May they find joy and gladness in their lives and in the noble calling they have answered as Senators of this Commonwealth. To You, O Lord, the one God of many names, we pray. Amen.

The PRESIDING OFFICER. The Chair thanks Reverend Miller, who is the guest today of Senator O'Pake, and who is soon to be vice president of the Lutheran Theological Seminary of Philadelphia.

JOURNAL APPROVED

The PRESIDING OFFICER. A quorum of the Senate being present, the Clerk will read the Journal of the preceding Session of June 5, 2002.

The Clerk proceeded to read the Journal of the preceding Session, when, on motion of Senator PICCOLA, and agreed to by voice vote, further reading was dispensed with and the Journal was approved.

COMMUNICATION FROM THE GOVERNOR

NOMINATION REFERRED TO COMMITTEE

The PRESIDING OFFICER laid before the Senate the following communication in writing from His Excellency, the Governor of the Commonwealth, which was read as follows and referred to the Committee on Rules and Executive Nominations:

**MEMBER OF THE BOARD OF GOVERNORS OF
THE STATE SYSTEM OF HIGHER EDUCATION**

June 6, 2002

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Brandon W. Danz, 53 Shenks Lane, Millersville 17551, Lancaster County, Thirteenth Senatorial District, for appointment as a member of the Board of Governors of the State System of Higher Education, to serve until graduated or separated from the University, vice Amy M. Yozviak, Nanticoke, graduated.

Mark S. Schweiker
Governor

HOUSE MESSAGES

HOUSE BILLS FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bills for concurrence, which were referred to the committees indicated:

June 7, 2002

- HB 325 -- Committee on Labor and Industry.
- HB 968 -- Committee on Consumer Protection and Professional Licensure.
- HB 1482 -- Committee on Game and Fisheries.
- HB 2117 -- Committee on Public Health and Welfare.
- HB 2593 -- Committee on Transportation.

BILLS INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

June 7, 2002

Senator JUBELIRER presented to the Chair **SB 1447**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for recognition of foreign judgments rendered outside the United States; making a repeal; and making an editorial change.

Which was committed to the Committee on JUDICIARY, June 7, 2002.

Senators GREENLEAF, COSTA, TOMLINSON, TARTAGLIONE, LEMMOND, BOSCOLA, O'PAKE, SCHWARTZ, CONTI, FUMO, DENT, KITCHEN, A. WILLIAMS and C. WILLIAMS presented to the Chair **SB 1451**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for penalties.

Which was committed to the Committee on TRANSPORTATION, June 7, 2002.

Senators HUGHES, MUSTO, COSTA, A. WILLIAMS, C. WILLIAMS, BODACK and WOZNIAK presented to the Chair **SB 1454**, entitled:

An Act amending the act of June 26, 2001 (P.L.755, No.77), known as the Tobacco Settlement Act, further providing for adult basic coverage insurance program.

Which was committed to the Committee on BANKING AND INSURANCE, June 7, 2002.

Senators HUGHES, MUSTO, COSTA, A. WILLIAMS, C. WILLIAMS, BODACK and WOZNIAK presented to the Chair **SB 1455**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the rate of the cigarette and tobacco products tax, for the floor tax and for the disposition of the cigarette and tobacco products tax.

Which was committed to the Committee on FINANCE, June 7, 2002.

Senators A. WILLIAMS, KUKOVICH, COSTA, PUNT, LAVALLE, SCHWARTZ, KASUNIC and C. WILLIAMS presented to the Chair **SB 1456**, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, providing for use of credit history of insureds; and further providing for penalties imposed by Insurance Department.

Which was committed to the Committee on BANKING AND INSURANCE, June 7, 2002.

Senators MOWERY, ERICKSON, PUNT, GERLACH, BOSCOLA, COSTA, ORIE, CONTI, LEMMOND, WAUGH, A. WILLIAMS and ROBBINS presented to the Chair **SB 1457**, entitled:

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further defining "capital stock value" for purposes of the capital stock and franchise tax.

Which was committed to the Committee on FINANCE, June 7, 2002.

Senator ORIE presented to the Chair **SB 1460**, entitled:

An Act amending the act of October 15, 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act, providing for a witness security and protection program.

Which was committed to the Committee on JUDICIARY, June 7, 2002.

Senator C. WILLIAMS presented to the Chair **SB 1461**, entitled:

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey certain tracts of land situate in Haverford Township, Delaware County.

Which was committed to the Committee on STATE GOVERNMENT, June 7, 2002.

Senators SCHWARTZ, O'PAKE, MELLOW, LOGAN, COSTA, BODACK, WAGNER, STACK, STOUT, C. WILLIAMS, KUKOVICH, TARTAGLIONE, KITCHEN, KASUNIC, MUSTO, HUGHES, A. WILLIAMS, BOSCOLA, LAVALLE, WOZNIAK, FUMO, CONTI, RHOADES, GREENLEAF, PUNT and TOMLINSON presented to the Chair **SB 1465**, entitled:

An Act amending the act of March 10, 1949 (P.L.30, No.14), known as the Public School Code of 1949, establishing criteria and authority for school districts to include character education in curriculum planning and the Character Education Grant Program.

Which was committed to the Committee on EDUCATION, June 7, 2002.

RESOLUTION INTRODUCED AND REFERRED

The PRESIDING OFFICER laid before the Senate the following Senate Resolution numbered, entitled, and referred as follows, which was read by the Clerk:

June 7, 2002

Senators STACK, KITCHEN, KUKOVICH, TARTAGLIONE, WAGNER, MELLOW, LOGAN, EARLL, COSTA, BOSCOLA, SCHWARTZ, ORIE and BODACK presented to the Chair **SR 242**, entitled:

A Resolution urging the Department of Community and Economic Development and the Department of Public Welfare to improve the Pennsylvania Access Grant Program.

Which was committed to the Committee on PUBLIC HEALTH AND WELFARE, June 7, 2002.

SPECIAL ORDER OF BUSINESS ANNOUNCEMENT BY THE SECRETARY

The SECRETARY. Consent has been given for the Committee on State Government to meet during today's Session in the Rules room to consider Senate Bills No. 1187, 1364, 1368, 1448, 1453, 1459, and House Bill No. 878.

REPORTS FROM COMMITTEES

Senator DENT, from the Committee on Urban Affairs and Housing, reported the following bills:

SB 451 (Pr. No. 2055) (Amended)

An Act amending the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, further providing for writ of possession.

SB 1372 (Pr. No. 1850)

An Act amending Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, providing for wage tax reduction.

SB 1423 (Pr. No. 1971)

An Act amending the act of August 5, 1932 (Sp.Sess., P.L.45, No.45), referred to as the Sterling Act, providing for crediting of certain taxes paid by nonresidents.

Senator THOMPSON, from the Committee on Appropriations, reported the following bills:

SB 559 (Pr. No. 621) (Rereported)

An Act amending the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, further providing for certain outreach duties of the Insurance Department.

SB 832 (Pr. No. 2052) (Amended) (Rereported)

An Act amending the act of February 9, 1999 (P.L.1, No.1), known as the Capital Facilities Debt Enabling Act, further providing for appropriation for and limitation on redevelopment assistance capital projects.

SB 1243 (Pr. No. 1600) (Rereported)

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the allocation of revenues within the Game Fund.

SB 1258 (Pr. No. 2053) (Amended) (Rereported)

An Act amending the act of May 15, 1933 (P.L.565, No.111), known as the Department of Banking Code, making extensive changes to modernize and update the law in the general areas of preliminary provisions; jurisdiction and maintenance of the Department of Banking; restrictions upon department and employees; examinations by and reports to the department; action by department after offenses by, or changes in, condition of institutions; taking of possession by the Secretary of Banking as receiver and surrender of possession; rights, powers and duties of secretary as receiver; secretary in possession of trust department; proof of claims, accounting and distribution; and special criminal history record information provisions.

SB 1272 (Pr. No. 2054) (Amended) (Rereported)

An Act amending Title 24 (Education) of the Pennsylvania Consolidated Statutes, providing for return to school service in an extracurricular position.

SB 1290 (Pr. No. 1699) (Rereported)

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, authorizing certain members of the Pennsylvania National Guard to operate State-owned vehicles for certain security purposes.

HB 170 (Pr. No. 3979) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for special tax provisions for poverty.

HB 1360 (Pr. No. 3980) (Amended) (Rereported)

An Act amending the act of December 14, 1988 (P.L.1192, No.147), known as the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act, further providing for definitions, for special ad hoc postretirement adjustments and for the administration of the Commonwealth's reimbursements for these adjustments; and making editorial changes.

HB 1363 (Pr. No. 3981) (Amended) (Rereported)

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for payments under existing pension plans and for service increments to pensions of police and firefighters.

HB 1848 (Pr. No. 3982) (Amended) (Rereported)

An Act amending the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971, further providing for the time period of research and development tax credits.

HB 2398 (Pr. No. 3983) (Amended) (Rereported)

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for small business definitions and loan eligibility and terms.

HB 2530 (Pr. No. 3978) (Amended)

An Act making an appropriation from a restricted revenue account within the General Fund and from Federal augmentation funds to the Pennsylvania Public Utility Commission.

LEGISLATIVE LEAVE

The PRESIDING OFFICER. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Madam President, I request a legislative leave for Senator Tartaglione.

The PRESIDING OFFICER. Senator O'Pake requests a legislative leave for Senator Tartaglione. Without objection, that leave is granted.

LEAVE OF ABSENCE

Senator O'PAKE asked and obtained a leave of absence for Senator KITCHEN, for today's Session, for personal reasons.

SENATE CONCURRENT RESOLUTION

WEEKLY ADJOURNMENT

Senator PICCOLA offered the following resolution, which was read as follows:

In the Senate, June 10, 2002

RESOLVED, (the House of Representatives concurring). That when the Senate adjourns this week, it reconvene on Monday, June 17, 2002, unless sooner recalled by the President Pro Tempore of the Senate; and be it further

RESOLVED, That when the House of Representatives adjourns this week, it reconvene on Monday, June 17, 2002, unless sooner recalled by the Speaker of the House of Representatives.

On the question,
Will the Senate adopt the resolution?

The yeas and nays were required by Senator PICCOLA and were as follows, viz:

YEA-49

Armstrong	Greenleaf	Murphy	Thompson
Bell	Helfrick	Musto	Tomlinson
Bodack	Holl	O'Pake	Wagner
Boscola	Hughes	Orie	Waugh
Brightbill	Jubelirer	Piccola	Wenger
Conti	Kasunic	Punt	White, Donald
Corman	Kukovich	Rhoades	White, Mary Jo
Costa	LaValle	Robbins	Williams, Anthony H.
Dent	Lemmond	Scarnati	Williams, Constance
Earll	Logan	Schwartz	Wozniak
Erickson	Madigan	Stack	
Fumo	Mellow	Stout	
Gerlach	Mowery	Tartaglione	

NAY-0

A majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate present the same to the House of Representatives for concurrence.

**SPECIAL ORDER OF BUSINESS
GUESTS OF SENATOR JOSEPH B.
SCARNATI PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Jefferson, Senator Scarnati.

Senator SCARNATI. Madam President, I am very pleased today to have two special guests with me from not only my hometown, Brockway, but my home. My wife, Sheryl, and my daughter Kelly are here today visiting dad and husband to see what we do in the Senate, so let us hope we can show them something good today. Sheryl and Kelly.

The PRESIDING OFFICER. Would the guests of Senator Scarnati please rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

**GUEST OF SENATOR HAROLD F.
MOWERY PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Cumberland, Senator Mowery.

Senator MOWERY. Madam President, I would like to introduce Carolyn Phenicie, who is serving us today as a guest Page. She is the 15-year-old daughter of Mark and Kelly Phenicie. Most of you probably know Kelly, as she works for our Senate Republican Caucus legal staff. Carolyn has finished her freshman year at Cedar Cliff High School, where she is active in the marching and concert bands, playing the flute and piccolo. She is a member of the Spanish club, the theater, and she plays soccer. She is a member of the Christ Presbyterian Church in Camp Hill and is active in their youth group. In fact, she will be going to a church youth conference for a week this summer in Montreat, North Carolina, under the supervision of our very own Drew Crompton. Upon graduating high school, she would like to go on to college and major in either law or math education. Please join me in welcoming Carolyn Phenicie as our guest Page today. Carolyn.

The PRESIDING OFFICER. Would the guest of Senator Mowery please rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

**GUEST OF SENATOR TERRY L.
PUNT PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Franklin, Senator Punt.

Senator PUNT. Madam President, I, too, have a special guest with us today. Tyler McConnell, who is doing a 1-day internship here as a guest Page, will be a senior this year at Bermudian Springs School District in Adams County. After he finishes high school, his plans are to go into the Navy and become a naval combat pilot, then perhaps on to law school, and then enter into a career in politics. So I ask the Senate to extend its usual warm welcome to Tyler McConnell.

The PRESIDING OFFICER. Would the guest of Senator Punt please rise so we may welcome you to the Senate of Pennsylvania.

(Applause.)

**GUEST OF SENATOR JAMES J.
RHOADES PRESENTED TO THE SENATE**

The PRESIDING OFFICER. The Chair recognizes the gentleman from Schuylkill, Senator Rhoades.

Senator RHOADES. Madam President, we have as a guest Page with us today a young man from Minersville Area Junior-Senior High School, Robert Hontz, who will be a sophomore at Minersville Area next year. He is an honor roll student, plays percussion in the high school band, is a member of the track and field team, and also is a member of the cross-country team, and he aspires to get a degree in political science so he can enter the field of government. So he is having an excellent opportunity today to see firsthand what this is all about. I would appreciate it if the Senate would recognize this young man for being with us today.

The PRESIDING OFFICER. Would the Senate please welcome the guest of Senator Rhoades.

(Applause.)

RECESS

The PRESIDING OFFICER. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Madam President, at this time I request a recess of the Senate, first for the purpose of a meeting of the Committee on State Government in the Rules room, and then for the purpose of a Republican caucus.

The PRESIDING OFFICER. The Chair recognizes the gentleman from Berks, Senator O'Pake.

Senator O'PAKE. Madam President, the Democrats will also caucus in their caucus room at the rear of the Senate Chamber.

Any idea as to what time we will return?

The PRESIDING OFFICER. Senator Piccola, the gentleman asks what time we can anticipate returning.

Senator PICCOLA. I would anticipate, Madam President, that we would be able to return to the floor about 4 o'clock.

The PRESIDING OFFICER. For purposes of a meeting of the Committee on State Government in the Rules room at the rear of the Chamber, and Republican and Democratic caucuses, with an anticipation of returning at 4 o'clock, without objection, the Senate will stand in recess.

AFTER RECESS

The PRESIDENT (Lieutenant Governor Robert C. Jubelirer) in the Chair.

The PRESIDENT. The time of recess having expired, the Senate will come to order.

CALENDAR

HB 1356 CALLED UP OUT OF ORDER

HB 1356 (Pr. No. 3928) -- Without objection, the bill was called up out of order, from page 2 of the Third Consideration Calendar, by Senator BRIGHTBILL, as a Special Order of Business.

BILL ON THIRD CONSIDERATION AND FINAL PASSAGE

HB 1356 (Pr. No. 3928) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 51 (Military Affairs) of the Pennsylvania Consolidated Statutes, further providing for the composition of the State Armory Board and for the Pennsylvania Veterans' Memorial Trust Fund.

Considered the third time and agreed to,
And the amendments made thereto having been printed as required by the Constitution,

On the question,
Shall the bill pass finally?

The yeas and nays were taken agreeably to the provisions of the Constitution and were as follows, viz:

YEA-49

Armstrong	Greenleaf	Murphy	Thompson
Bell	Helfrick	Musto	Tomlinson
Bodack	Holl	O'Pake	Wagner
Boscola	Hughes	Orie	Waugh
Brightbill	Jubelirer	Piccola	Wenger
Conti	Kasunic	Punt	White, Donald
Corman	Kukovich	Rhoades	White, Mary Jo
Costa	LaValle	Robbins	Williams, Anthony H.
Dent	Lemmond	Scarnati	Williams, Constance
Earl	Logan	Schwartz	Wozniak
Erickson	Madigan	Stack	
Fumo	Mellow	Stout	
Gerlach	Mowery	Tartaglione	

NAY-0

A constitutional majority of the Senators having voted "aye," the question was determined in the affirmative.

Ordered, That the Secretary of the Senate return said bill to the House of Representatives with information that the Senate has passed the same with amendments in which concurrence of the House is requested.

THIRD CONSIDERATION CALENDAR

BILL OVER IN ORDER TEMPORARILY

SB 857 -- Without objection, the bill was passed over in its order temporarily at the request of Senator BRIGHTBILL.

BILLS OVER IN ORDER

SB 1164, SB 1225, SB 1257, SB 1366, SB 1406, HB 1458 and HB 2005 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL AMENDED

HB 2164 (Pr. No. 3401) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, imposing penalties on department employees or agents who issue a fraudulent driver's license; and further providing for motorcycle fees.

On the question,
Will the Senate agree to the bill on third consideration?
Senator MADIGAN offered the following amendment No. A2487:

Amend Sec. 1 (Sec. 1571), page 2, line 10, by inserting after "license": when the employee or agent has knowledge that the application for the driver's license or the driver's license contains fictitious or fraudulent information

On the question,
Will the Senate agree to the amendment?
It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

SECOND CONSIDERATION CALENDAR

BILLS REREPORTED FROM COMMITTEE
AS AMENDED ON SECOND CONSIDERATION

SB 893 (Pr. No. 2036) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 5, 1972 (P.L.1280, No. 284), known as the Pennsylvania Securities Act of 1972, further providing for definitions, for exempt securities and transactions, for exemption proceedings, for registration by coordination, for general registration provisions, for denial, suspension, revocation and conditioning of registrations, for federally covered securities, for exemptions and for registration and notice filing procedures; providing for prearranged trading programs; further providing for time limitations on rights of actions, for right of the Pennsylvania Securities Commission to bring actions, for investigations and subpoenas and for criminal penalties; providing for return of sales compensation; further providing for administration, for salaries of commissioners, for fees, for assessments, for administrative files, for miscellaneous powers of commission, for hearings and judicial review, for regulations and forms and orders; and providing for burden of proof.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

SB 1370 (Pr. No. 2037) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 29, 1996 (P.L.434, No.67), known as the Job Enhancement Act, further providing for definitions, for the Pollution Prevention Assistance Account and for eligibility and terms and conditions of loans; providing for job training; and further providing for the power and authority for the Pennsylvania Economic Development Financing Authority; and making a repeal.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

HB 330, HB 582, HB 590, HB 641, HB 751 and HB 754 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 763 (Pr. No. 1968) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for the offense of driving under influence of alcohol or controlled substance.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 856 and SB 1210 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1222 (Pr. No. 1938) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 17 (Credit Unions) of the Pennsylvania Consolidated Statutes, relating to credit unions; making revisions, corrections and additions; providing for parity with Federal credit unions and for involuntary dissolution; and making editorial changes.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILLS OVER IN ORDER

SB 1401, SB 1403, SB 1409 and SB 1410 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILL ON SECOND CONSIDERATION

SB 1416 (Pr. No. 2035) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of May 17, 1921 (P.L.789, No.285), known as The Insurance Department Act of 1921, further providing for definitions related to agents and brokers.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILL REREFERRED

SB 1452 (Pr. No. 2040) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILLS OVER IN ORDER

HB 1478 and HB 1952 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS ON SECOND CONSIDERATION

HB 2125 (Pr. No. 3768) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Title 34 (Game) of the Pennsylvania Consolidated Statutes, further providing for the powers and duties of enforcement officers and deputy game commission officers; authorizing licensed hunters to remove deer over baited areas in certain areas pursuant to Pennsylvania Game Commission regulations; and increasing the penalty for safety zone violations.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

HB 2312 (Pr. No. 3676) -- The Senate proceeded to consideration of the bill, entitled:

An Act designating a portion of Pennsylvania State Route 33 in Northampton County as the General Anthony Clement McAuliffe 101st Airborne Memorial Highway.

Considered the second time and agreed to,
Ordered, To be printed on the Calendar for third consideration.

BILL REREFERRED

HB 2410 (Pr. No. 3944) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, providing for sentences for offenses committed with a vehicle involved in accidents resulting in death or personal injury; further providing for definitions, for grounds for refusing registration and for renewal of registration; providing for motor carrier vehicles; further providing for operation following suspension of registration and for suspension of registration; providing for suspension of motor carrier vehicle registration; further providing for suspension of operating privilege, for schedule of convictions and points, for occupational limited license, for duty of driver in construction and maintenance areas, for special speed limitations and for speed timing devices; providing for accidents involving death or personal injury in work zone and for accidents involving certain vehicles; further providing for unlawful activities; providing for lighted head lamps in work zones; further providing for operation of vehicle without official certificate of inspection and for inspection by police or Commonwealth personnel; providing for designation of highway safety corridors; further providing for erection of traffic-control devices while working; and requiring a study by the Legislative Budget and Finance Committee.

Upon motion of Senator BRIGHTBILL, and agreed to by voice vote, the bill was rereferred to the Committee on Appropriations.

BILL OVER IN ORDER

HB 2445 -- Without objection, the bill was passed over in its order at the request of Senator BRIGHTBILL.

SENATE RESOLUTION No. 210, ADOPTED

Senator BRIGHTBILL, without objection, called up from page 8 of the Calendar, **Senate Resolution No. 210**, entitled:

A Resolution urging the Congress of the United States to permanently eliminate the 15% cut in the Medicare home health benefit scheduled to go into effect on October 1, 2002, and extend the 10% rural add-on to Medicare home health providers; and calling upon the President to support Congress in this effort.

On the question,
Will the Senate adopt the resolution?
A voice vote having been taken, the question was determined in the affirmative.

UNFINISHED BUSINESS
REPORTS FROM COMMITTEE

Senator LEMMOND, from the Committee on State Government, reported the following bills:

SB 1187 (Pr. No. 1492)

An Act authorizing the Department of General Services, with the approval of the Governor, to grant and convey to Tolentine Community Center and Development Corporation certain lands and building situate in the City of Philadelphia, Philadelphia County.

SB 1364 (Pr. No. 1820)

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to accept by donation a tract of land situate in the Township of Penn, Westmoreland County.

SB 1368 (Pr. No. 1828)

An Act authorizing and directing the Department of General Services, with the approval of the Governor and the Pennsylvania Historical and Museum Commission, to acquire by settlement agreement three tracts of land in Foster Township, Luzerne County.

SB 1448 (Pr. No. 2022)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to Pennsylvania Suburban Water Company (as successor to Philadelphia Suburban Water Company by merger), certain lands situate in Canaan Township, Wayne County, and Carbondale and Fell Townships in Lackawanna County.

SB 1453 (Pr. No. 2028)

An Act authorizing the Department of General Services, with the approval of the Department of Transportation and the Governor, to grant and convey to the West Chester Area School District, certain lands in West Goshen Township, Chester County.

SB 1459 (Pr. No. 2029)

An Act authorizing and directing the Department of General Services, with the approval of the Governor, to grant and convey to the

Student Association, Inc., a certain tract of land situate in the Borough of California, Washington County, in exchange for a certain tract of land.

HB 878 (Pr. No. 1991)

An Act amending Title 62 (Procurement) of the Pennsylvania Consolidated Statutes, further providing for supplies manufactured and services performed by persons with disabilities.

CONGRATULATORY RESOLUTIONS

The PRESIDENT laid before the Senate the following resolutions, which were read, considered, and adopted by voice vote:

Congratulations of the Senate were extended to John Fiorill, John Wertz, Debra Beighley, Steve White, David Miley, Joseph McGuire, Jeffrey Bare, Ross Deck and to Michael Charles McCoy, Jr., by Senator Armstrong.

Congratulations of the Senate were extended to Bob Stem by Senator Boscola.

Congratulations of the Senate were extended to Susan's Gourmet Shop & Catering of Bethlehem by Senators Boscola and Dent.

Congratulations of the Senate were extended to Matthew Christopher Escher by Senator Conti.

Congratulations of the Senate were extended to Nancy Wolff Weikert by Senator Dent.

Congratulations of the Senate were extended to Marshall K. Eward by Senators Dent and Piccola.

Congratulations of the Senate were extended to William E. Derrick, Jr., by Senator Helfrick.

Congratulations of the Senate were extended to Elsie Hilliard Hillman by Senator Holl.

Congratulations of the Senate were extended to Ardis Howard and to National Penn Bank of Boyertown by Senator Kitchen.

Congratulations of the Senate were extended to the Honorable Peter J. Loschiavo by Senator LaValle.

Congratulations of the Senate were extended to Mr. and Mrs. Martin Henry and to Mr. and Mrs. Charles B. Green by Senator Madigan.

Congratulations of the Senate were extended to Robert J. Dickey by Senator Murphy.

Congratulations of the Senate were extended to Ronald J. Sheehan, John Drury, Virginia Dunbar, Madeline T. Ligenza, Shirley A. Radler, Louis A. Wiernusz, George Hakim and to Edward James Jasonis by Senator Musto. Congratulations of the Senate were extended to Caitlin Ward, Sheldon Park Community Center of Natrona Heights and to the citizens of the Borough of Cheswick by Senator Orie.

Congratulations of the Senate were extended to Mr. and Mrs. William J. Holloway, Elsa Doyle and to Harry R. Senft by Senator Piccola.

Congratulations of the Senate were extended to Joshua I. Dabashinsky by Senator Rhoades.

Congratulations of the Senate were extended to Betty J. Burkett by Senator Schwartz.

Congratulations of the Senate were extended to Mr. and Mrs. Charles Walters and to Mr. and Mrs. Herbert Francis Baldwin by Senator Stout.

Congratulations of the Senate were extended to the Delaware Valley Vietnam Veterans by Senator Tomlinson.

Congratulations of the Senate were extended to the Lutheran Church of the Good Shepherd of York by Senator Waugh.

Congratulations of the Senate were extended to Mr. and Mrs. Lysle Ryen, Alison Gerber, Southwestern Veterans Center and to the American Cancer Society by Senator D. White.

Congratulations of the Senate were extended to Mr. and Mrs. John Reed and to Dr. Michael E. Noyes by Senator M.J. White.

CONDOLENCE RESOLUTION

The PRESIDENT laid before the Senate the following resolution, which was read, considered, and adopted by voice vote:

Condolences of the Senate were extended to the family of the late Bernard J. Smith, Sr., by Senator Orie.

BILLS ON FIRST CONSIDERATION

Senator ROBBINS. Mr. President, I move that the Senate do now proceed to consideration of all bills reported from committees for the first time at today's Session.

The motion was agreed to by voice vote.

The bills were as follows:

SB 451, SB 1187, SB 1364, SB 1368, SB 1372, SB 1423, SB 1448, SB 1453, SB 1459, HB 878 and HB 2530.

And said bills having been considered for the first time,
Ordered, To be printed on the Calendar for second consideration.

CONSIDERATION OF CALENDAR RESUMED

THIRD CONSIDERATION CALENDAR RESUMED

SB 857 CALLED UP

SB 857 (Pr. No. 1991) -- Without objection, the bill, which previously went over in its order temporarily, was called up, from page 1 of the Third Consideration Calendar, by Senator BRIGHTBILL.

BILL AMENDED

SB 857 (Pr. No. 1991) -- The Senate proceeded to consideration of the bill, entitled:

A Joint Resolution proposing an amendment to the Constitution of the Commonwealth of Pennsylvania, requiring an individual to pass a certification examination before filing a nominating petition to become a district justice and before assuming office as a judge of the traffic court in the City of Philadelphia.

On the question,

Will the Senate agree to the bill on third consideration?

Senator GREENLEAF, offered the following amendment No. A3163:

Amend Title, page 1, line 3, by inserting after "before": being nominated to fill a vacancy or

Amend Sec. 1 (Sec. 12), page 2, line 2, by inserting after "office]" being nominated to fill vacancies pursuant to section 13(b) or to

Amend Sec. 2, page 2, line 12, by striking out "these" and inserting: this

Amend Sec. 2, page 2, line 12, by striking out "amendments" and inserting: amendment

Amend Sec. 2, page 2, line 18, by striking out "these" and inserting: this

Amend Sec. 2, page 2, line 18, by striking out "amendments" and inserting: amendment

Amend Sec. 2, page 2, line 19, by striking out "these" and inserting: this

Amend Sec. 2, page 2, line 20, by striking out "amendments" and inserting: amendment

Amend Sec. 2, page 2, line 26, by striking out "these" and inserting: this

Amend Sec. 2, page 2, line 26, by striking out "amendments" and inserting: amendment

Amend Sec. 2, page 2, line 27, by striking out "amendments" and inserting: amendment

Amend Sec. 2, page 2, line 29, by striking out "as separate ballot questions"

Amend Sec. 2, page 3, line 1, by striking out "amendments are" and inserting: amendment is

On the question,

Will the Senate agree to the amendment?

It was agreed to.

Without objection, the bill, as amended, was passed over in its order at the request of Senator BRIGHTBILL.

PETITIONS AND REMONSTRANCES

The PRESIDENT. The Chair recognizes the gentlewoman from Northampton, Senator Boscola.

Senator BOSCOLA. Mr. President, today I am introducing legislation to eliminate idle time payments to State prisoners who do not work. Although most of the inmates at our State correctional institutions are put to work, the Department of Corrections also pays a daily allowance for those inmates who do not work. That allowance is called idle pay. I think all of us remember what happened under welfare reform: able-bodied, law-abiding men and women had to get a job, go to work, and get off welfare. But if you are receiving idle pay, which is nothing more than welfare for our State prisoners, my legislation would prohibit the department from paying idle pay to prisoners who do not work. State prisoners should be doing hard time, not idle time, and they certainly should not be paid for not working.

There is another problem with failing to provide every inmate with a job. Prison inmates who do not work do not learn the job skills they need to earn a living when they have served their time behind bars. The Progressive Policy Institute recently completed a study on prison labor, and here is what they had to say: "While our nation has made great strides in the last few years to move welfare recipients from dependency to work, we're moving in the other direction when it comes to transitioning prisoners to paid work." Their study states, "Prison labor has two main benefits. First, it reduces inmate recidivism, thereby reducing crime and lowering prison costs. Second, if done right, it produces 'profits,' which can be used to offset the taxpayer-financed costs of incarcerating prisoners."

Mr. President, it is really an insult to the families who are

working two jobs to make them pay for prisoners who do not work at all. Inmates who are in prison are supposed to be doing hard time. They are not supposed to be getting paid for doing nothing during their idle time. Working men and women should not be paying for prisoners who do not work. For all of the people who believe that crime does not pay, the truth is, it does pay. Just ask those 5,000 inmates who are being paid to sit in a jail cell. Hardworking men and women who have earned a paycheck deserve to keep more of their paycheck. We can take a step in the right direction if we make sure that every inmate works while in prison, and not a single prisoner gets paid for not working.

Thank you, Mr. President.

SPECIAL ORDER OF BUSINESS SUPPLEMENTAL CALENDAR No. 1

BILLS REREPORTED FROM COMMITTEE AS AMENDED OVER IN ORDER

HB 170 and HB 1848 -- Without objection, the bills were passed over in their order at the request of Senator BRIGHTBILL.

BILLS REREPORTED FROM COMMITTEE AS AMENDED ON SECOND CONSIDERATION

HB 1360 (Pr. No. 3980) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of December 14, 1988 (P.L.1192, No.147), known as the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act, further providing for definitions, for special ad hoc postretirement adjustments and for the administration of the Commonwealth's reimbursements for these adjustments; and making editorial changes.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

HB 1363 (Pr. No. 3981) -- The Senate proceeded to consideration of the bill, entitled:

An Act amending the act of June 23, 1931 (P.L.932, No.317), known as The Third Class City Code, further providing for payments under existing pension plans and for service increments to pensions of police and firefighters.

Considered the second time and agreed to,

Ordered, To be printed on the Calendar for third consideration.

COMMUNICATIONS FROM THE GOVERNOR

NOMINATIONS REFERRED TO COMMITTEE

The PRESIDENT laid before the Senate the following communications in writing from His Excellency, the Governor of the Commonwealth, which were read as follows and referred to the Committee on Rules and Executive Nominations:

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

June 10, 2002

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Pasquale T. Deon, Sr., 1655 Carlene Court, Langhorne 19047, Bucks County, Sixth Senatorial District, for appointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period, vice Bonney C. Daubenspeck, Erie, resigned.

Mark S. Schweiker
Governor

MEMBER OF THE PENNSYLVANIA
TURNPIKE COMMISSION

June 10, 2002

To the Honorable, the Senate
of the Commonwealth of Pennsylvania:

In conformity with law, I have the honor hereby to nominate for the advice and consent of the Senate, Mitchell Rubin, 110 Moredun Avenue, Philadelphia 19115, Philadelphia County, Fourth Senatorial District, for reappointment as a member of the Pennsylvania Turnpike Commission, to serve for a term of four years or until his successor is appointed and qualified, but not longer than ninety days beyond that period.

Mark S. Schweiker
Governor

HOUSE MESSAGES

HOUSE CONCURS IN SENATE AMENDMENTS
TO HOUSE AMENDMENTS TO SENATE BILL
BY FURTHER AMENDING SAID AMENDMENTS

The Clerk of the House of Representatives informed the Senate that the House has concurred in amendments made by the Senate to House amendments to **SB 1089**, by further amending said amendments, in which concurrence of the Senate is requested.

SUSPENSION OF RULE XIV

The PRESIDENT. The Chair recognizes the gentleman from Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I move to suspend Rule XIV to the extent it requires that Senate Bill No. 1089 be referred to the Committee on Rules and Executive Nominations, and that Senate Bill No. 1089 be placed upon the Calendar.

The PRESIDENT. Senator Brightbill moves that Senate Rule XIV be suspended insofar as it requires that Senate Bill No. 1089 be referred to the Committee on Rules and Executive Nominations, and that the bill appear directly on the Calendar.

On the question,
Will the Senate agree to the motion?

The yeas and nays were required by Senator BRIGHTBILL and were as follows, viz:

YEA-49

Armstrong	Greenleaf	Murphy	Thompson
Bell	Helfrick	Musto	Tomlinson
Bodack	Holl	O'Pake	Wagner
Boscola	Hughes	Orie	Waugh
Brightbill	Jubelirer	Piccola	Wenger
Conti	Kasunic	Punt	White, Donald
Corman	Kukovich	Rhoades	White, Mary Jo
Costa	LaValle	Robbins	Williams, Anthony H.
Dent	Lemmond	Scarnati	Williams, Constance
Earll	Logan	Schwartz	Wozniak
Erickson	Madigan	Stack	
Fumo	Mellow	Stout	
Gerlach	Mowery	Tartaglione	

NAY-0

A constitutional majority of all the Senators having voted "aye," the question was determined in the affirmative.

The PRESIDENT. Senate Bill No. 1089 will be placed on the Calendar.

HOUSE BILL FOR CONCURRENCE

The Clerk of the House of Representatives presented to the Senate the following bill for concurrence, which was referred to the committee indicated:

June 10, 2002

HB 1034 -- Committee on Aging and Youth.

BILLS INTRODUCED AND REFERRED

The PRESIDENT laid before the Senate the following Senate Bills numbered, entitled, and referred as follows, which were read by the Clerk:

June 10, 2002

Senators MOWERY, COSTA, KITCHEN, LEMMOND, TARTAGLIONE, WAUGH, MUSTO, BOSCOLA, A. WILLIAMS, ROBBINS, SCHWARTZ and M. WHITE presented to the Chair **SB 1458**, entitled:

An Act amending the act of July 6, 1995 (P.L.255, No.34), known as the Dual Party Relay Service and Telecommunication Device Distribution Program Act, expanding the scope of the act; defining "Print Media Access System" and "persons who are blind or print disabled"; providing for establishment of the Print Media Access System Program; and further providing for establishment of dual party relay service.

Which was committed to the Committee on COMMUNICATIONS AND HIGH TECHNOLOGY, June 10, 2002.

Senators MADIGAN, STOUT, ARMSTRONG, RHOADES, LAVALLE, COSTA, WENGER, A. WILLIAMS, HOLL, LOGAN, M. WHITE, MOWERY, MUSTO, BOSCOLA, GREENLEAF, WAUGH, LEMMOND and WOZNIAK presented to the Chair **SB 1462**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for visual signals on emergency vehicles.

Which was committed to the Committee on TRANSPORTATION, June 10, 2002.

Senators MADIGAN, STOUT, WENGER, M. WHITE, HOLL, TARTAGLIONE, LAVALLE, LOGAN, COSTA, MOWERY, MUSTO, BOSCOLA, A. WILLIAMS, GREENLEAF, WAUGH, LEMMOND and WOZNIAK presented to the Chair **SB 1463**, entitled:

An Act amending Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes, further providing for size, weight and load scope and application; and abrogating regulations.

Which was committed to the Committee on TRANSPORTATION, June 10, 2002.

Senators MADIGAN, WENGER, PICCOLA, ARMSTRONG, HOLL, TARTAGLIONE, LAVALLE, TOMLINSON, COSTA, STOUT, MOWERY, MUSTO, DENT, RHOADES, BOSCOLA, A. WILLIAMS, CONTI, STACK, C. WILLIAMS, WAUGH, LEMMOND and WOZNIAK presented to the Chair **SB 1464**, entitled:

An Act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for sentences for offenses committed with firearms.

Which was committed to the Committee on JUDICIARY, June 10, 2002.

ANNOUNCEMENTS BY THE SECRETARY

The following announcements were read by the Secretary of the Senate:

SENATE OF PENNSYLVANIA

COMMITTEE MEETINGS

TUESDAY, JUNE 11, 2002

9:30 A.M.	CONSUMER PROTECTION AND PROFESSIONAL LICENSURE (to consider Senate Bill No. 449; and House Bills No. 286, 767, 1272 and 2020)	Room 8E-B East Wing
10:00 A.M.	PUBLIC HEALTH AND WELFARE (to consider Senate Resolution No. 171; and House Bills No. 1012, 1501 and 1804)	Room 461 Main Capitol
11:00 A.M.	EDUCATION (to consider Senate Bills No. 885 and 1256; and House Bill No. 2200; and any other business that may come before the committee)	Room 461 Main Capitol

11:30 A.M.	JUDICIARY (public hearing to consider the nomination of Daniel J. Milliron, Esq., for Judge, Court of Common Pleas, Blair County, Steven T. O'Neill, Esq., for Judge, Court of Common Pleas, Montgomery County, Emil A. Giordano, Esq., for Judge, Court of Common Pleas, Northampton County, and Joseph A. Dych, Esq., for Judge, Court of Common Pleas, Philadelphia County; and to consider Senate Bills No. 1323 and 1433; and House Bills No. 177 and 228)	Room 8E-B East Wing
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11:45 A.M.	LOCAL GOVERNMENT (to consider Senate Bills No. 1374 and 1380; and House Bill No. 930)	Room 8E-A East Wing
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WEDNESDAY, JUNE 12, 2002

10:00 A.M.	TRANSPORTATION (to consider Senate Bills No. 704, 1393, 1396, 1419, 1462 and 1463; and House Bill No. 1670)	Room 461 Main Capitol
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MONDAY, JUNE 17, 2002

10:30 A.M.	COMMUNICATIONS AND HIGH TECHNOLOGY (public hearing on the history of Chapter 30, Alternative Form of Regulation of Telecommunications Services)	Room 8E-B East Wing
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SENATE RESOLUTION ADOPTED

Senators MURPHY, TOMLINSON, D. WHITE, CORMAN, LOGAN, WAGNER, DENT and ERICKSON, by unanimous consent, offered **Senate Resolution No. 245**, entitled:

A Resolution recognizing the week of June 10 through 16, 2002, as "Men's Health Week" in Pennsylvania.

Which was read, considered, and adopted by voice vote.

SENATE CONCURRENT RESOLUTION No. 246, ADOPTED

Senators PICCOLA, MADIGAN, ERICKSON, LEMMOND, MELLOW, and TARTAGLIONE, by unanimous consent, offered **Senate Resolution No. 246**, entitled:

A Concurrent Resolution honoring Gary R. Hoffman, Director of the Pennsylvania Code and Bulletin, on the occasion of his retirement.

On the question,
Will the Senate adopt the resolution?

The PRESIDENT. The Chair recognizes the gentleman from Dauphin, Senator Piccola.

Senator PICCOLA. Mr. President, as the Clerk has indicated, this is a concurrent resolution honoring Gary R. Hoffman, the Director of the Pennsylvania Code and Bulletin, who is retiring after 33 years of service. I would like to make this resolution available at the desk for all Members to cosponsor, if they so desire.

The PRESIDENT. The resolution will be at the Secretary's desk for any Member to cosponsor.

And the question recurring,
Will the Senate adopt the resolution?

A voice vote having been taken, the question was determined
in the affirmative.

Ordered, That the Secretary of the Senate present the same to
the House of Representatives for concurrence.

ADJOURNMENT

The PRESIDENT. The Chair recognizes the gentleman from
Lebanon, Senator Brightbill.

Senator BRIGHTBILL. Mr. President, I move that the Senate
do now adjourn until Tuesday, June 11, 2002, at 1 p.m., Eastern
Daylight Saving Time.

The motion was agreed to by voice vote.

The Senate adjourned at 6:26 p.m., Eastern Daylight Saving
Time.